

### **REMARKS/ARGUMENTS**

The Office Action of March 10, 2009 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 2, 4-6, 15, 21-23, 25, 26, 28, 29, 31, 33-36, 42, 46, 48-50, 54, 56, 57, 59-61, and 63 have been amended, claims 12-14, 24, 27, 43-45, 47, 58, and 62 have been canceled without prejudice or disclaimer, and new claims 65-70 have been added. Claims 1-11, 15-23, 25, 26, 28-42, 46, 48-57, 59-61, and 63-70 thus remain pending in this application. No new material has been added. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Summary of Phone Interview with Examiner***

Applicants' representative thanks Examiner Saltarelli for the courtesies extended during the telephone interview of May 27, 2009. Applicants' representative and Examiner Saltarelli discussed the cited reference U.S. Pat No. 6,144,944, hereinafter Kurtzman. Kurtzman is cited in the Office Action for "disclosing an advertisement selection engine that selects advertisements for display to clients by creating a ranked list determined by a measure of effectiveness for each advertisement relative to the content with which they will be displayed, ... providing the benefit of a more finely tuned selection process for finding the most effective advertisements to display to a client for any given location in displayed content" (Office Action , page 7-8). Applicants' representative and Examiner agreed that Kurtzman does not disclose or suggest a plurality of locations in different spatial locations within a program. As discussed below, Applicants have amended the independent claims to include features directed to spatial locations.

### ***Amendments to the Specification***

Applicants have amended the specification to delete priority to prior applications which are not relied on to support the pending claims and which would unnecessarily limit the term of any resulting patent.

### ***Rejections Under 35 U.S.C. § 103***

Claims 1-13, 15-33, 43-50, 52-54, 56, 57, and 59-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,446,261, hereinafter Rosser, in view of U.S. Pat. No. 6,282,713, hereinafter Kitsukawa, in view of U.S. Pat. No. 6,279,112, hereinafter O'Toole, and in view of Kurtzman. Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosser, in view of Kitsukawa, in view of O'Toole, in view of Kurtzman, in view of U.S. Pat. No. 5,600,364, hereinafter Hendricks, and in view of U.S. Pat. No. 6,530,082, hereinafter Del Sesto. Claims 34-42 stand stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosser, in view of Kitsukawa, in view of U.S. Pat. No. 6,698,020, hereinafter Zigmond, in view of O'Toole, and in view of Kurtzman. Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosser, in view of Kitsukawa, in view of O'Toole, in view of Kurtzman, and in view of Del Sesto. Claims 55-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosser, in view of Kitsukawa, in view of O'Toole, in view of Kurtzman, and in view of Zigmond. Applicants respectfully traverse these rejections.

As discussed above, the Office Action relies on Kurtzman for the features of, "disclosing an advertisement selection engine that selects advertisements for display to clients by creating a ranked list determined by a measure of effectiveness for each advertisement relative to the content with which they will be displayed, ... providing the benefit of a more finely tuned selection process for finding the most effective advertisements to display to a client for any given location in displayed content" (Office Action , page 7-8). Without conceding to the Office Actions interpretation of Kurtzman, Applicants have amended independent claim 1 to recite, inter alia, a "ranked list is determined at least by a measure of effectiveness for each one of said plurality of interactive virtual objects in each one of said plurality of interactive virtual advertisement spots, wherein each one of the plurality of interactive virtual advertisement spots

are in a different spatial location in said program.” Independent claims 6, 26, 34, and 59 have been similarly amended to recite, inter alia, a “ranked list is determined at least by a measure of effectiveness for each one of said plurality of interactive virtual objects in each one of said plurality of interactive virtual object locations, and each one of the plurality of interactive virtual object locations is in a different spatial location in [said] program.” As agreed by the examiner, Kurtzman does not teach or suggest the feature of “advertisement spots” or “virtual object locations” that are each in a “different spatial location in [said] program” as recited in independent claims 1, 6, 26, 34, and 59. Accordingly, Applicants respectfully submit that claims 1, 6, 26, 34, and 59 are allowable.

Claims 2-5, 7-11, 15-23, 25, 28-33, 35-42, 59-61, 63, and 64 depend from one of claims 1, 6, 26, 34, and 59. The Office Action concedes, Rosser, Kitsukawa, and O’Toole fail to disclose the claim 1, 6, 26, 34, and 59 features for which Kurtzman is cited for. (Office Action, page 7, 12, 20-21, 26). The other cited references, Hendricks, Del Sesto, and Zigmond, likewise fail to overcome the deficiencies of Kurtzman as set forth above with respect to claim 1, 6, 26, 34, and 59. Thus, even if proper, the various cited combinations that include Rosser, Kitsukawa, O’Toole, Kurtzman, Hendricks, Del Sesto, and Zigmond do not result in the invention of claims 1, 6, 26, 34, and 59. Accordingly, claims 2-5, 7-11, 15-23, 25, 28-33, 35-42, 59-61, 63, and 64 are allowable for at least the reasons stated above with respect to their base claims and further in view of their specific recitations.

For example, claim 5 recites, “The method of claim 1, further comprising periodically sending the retrieval plan and the group assignment rules to terminal,” and claim 25 recites, “wherein the retrieval plan is periodically provided with the program in a transmission to the terminal.” The Office Action asserts that Rosser discloses inserting data into the vertical blanking interval of a program and that this disclosure teaches the features of claims 5 and 25. (Office Action pages 9-10, 18) Even if Rosser’s “data” is analogous to the retrieval plan or group assignment in claim 5, which the Applicants do not concede, inserting data into a vertical blanking interval would not teach or suggest at least the “periodically sending” feature of claim 5. While a vertical blanking interval is sent periodically, Rosser does not teach or suggest that data is inserted periodically. Accordingly claim 5 is allowable for at least this additional reason.

As further example, claim 28 recites, “wherein displaying, comprises: comparing a group assignment matrix to the retrieval plan, wherein the group assignment matrix assigns the terminal to a targeted user group; and selecting an interactive virtual object for display based on the comparison.” The Office Action asserts that Rosser compares an advertisement’s targeted audience data with locally stored profiled information which designates how and where to insert each advertisement. Even if the Office Action’s characterization of Rosser is correct, Rosser still does not teach or suggest a “group assignment matrix [that] assigns the terminal to a targeted user group” as recited in claim 28. The Office Actions characterization of Rosser, at most, discloses a general idea of data comparison, without the specific features of claim 28. Accordingly, claim 28 is allowable for at least this additional reason.

***New Claims 65-70 and Previously Pending Claims 46, and 48-57***

New claims 65-68 have been added. Applicants provide the following remarks in the interest of expediting prosecution.

New independent claim 69 recites features similar to those recited in claims 1, 6, 26, 34, and 59 and is thus allowable for at least the same reasons stated above with respect to claims 1, 6, 26, 34, and 59. Previously pending claims 46, and 48-57 now depend on claim 69 and are allowable for at least the reasons given with respect to claim 69. New claim 70 depends on claim 69 is also allowable for at least the same reasons as claim 69.

New claims 65-68 have been added to ultimately depend on claim 6 and are allowable for at least the reasons stated above with respect to claim 6.

Support for the new claims may be found throughout Applicants’ original specification as filed, and at least, in the following specific portions as follows:

- Support for claim 65 may be found in original claims 12, 26, 59, 28, and 31.
- Support for claim 66 may be found in original claim 13,
- Support for claim 67 may be found in original claim 14.
- Support for claim 68 may be found on page 32 lines 6-13.
- Support for claim 69 may be found in original claim 43, Fig. 5, Fig. 15-17, and on page 39 line 11 to page 45 line 10.

- Support for claim 70 may be found in original claims 42, 58 and on page 68 lines 23-27.

No new material has been added.

### **CONCLUSION**

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

Dated this 10th day of June, 2009

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